

Michael O. Leavitt
Governor

State of Utah

PUBLIC SERVICE COMMISSION OF UTAH

Heber M. Wells Building
160 East 300 South, 4th Floor
Box 45585
Salt Lake City, Utah 84145-0585
(801) 530-6716; (801) 530-6796 Fax

96-98
DOCKET FILE COPY ORIGINAL

RECEIVED

OCT 25 1999

FCC MAIL ROOM

Commissioners
Stephen F. Mecham
Chairman
Constance B. White
Clark D. Jones
Douglas C.W. Kirk
Executive Staff Director
Sandy Mooy
Legal Counsel
Julie Orchard
Commission Secretary

October 5, 1999

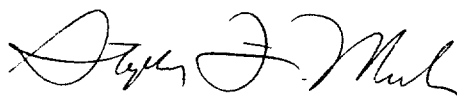
Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th, SW - TW - A325
Washington, D.C. 20554

Dear Ms. Salas:

The Utah Public Service Commission (UPSC) hereby files the attached petition regarding the UPSC's request to implement number conservation measures. Due to the extenuating circumstances, we request accelerated approval for number conservation. We will be planning an expedited hearing on requiring code holders to issue telephone numbers consecutively, and we will be conducting workshops on number conservation.

Enclosed are an original and 6 copies of the petition. Please date-stamp and return one copy to the UPSC in the enclosed self-addressed envelop.

Sincerely,



Stephen Mecham
Chairman

SM:joh
Enclosure

cc: Chairman Kennard
Commissioner Ness
Commissioner Tristani
Commissioner Powell
Commissioner Furchgott-Roth
Yog R. Varma, Deputy Chief, Common Carrier Bureau
Brad Ramsay, National Association of Regulatory Utility Commissioners
International Transcription Service

No. of Copies rec'd 2
List ABCDE

PETITION TO FEDERAL COMMUNICATIONS COMMISSION
FOR ACCELERATED DECISION FOR GRANT OF AUTHORITY
TO IMPLEMENT NUMBER CONSERVATION MEASURES

The Utah Public Service Commission (UPSC) hereby requests authority to fashion a Utah specific solution to our state's existing number crisis. Our efforts will be consistent with Federal Communications Commission (FCC) policy, by ensuring that number resources are made available in an equitable, efficient and timely basis to all carriers. Our efforts will not unduly favor or disfavor any particular segment or group of telecommunications consumers, nor will our efforts unduly favor one telecommunications technology over another.

Utah's circumstances are comparable to those in Florida. We similarly are seeking a letter endorsing a grant of authority to fashion a Utah specific solution to the existing number crisis. We are also looking to the telecommunications industry (the Industry) to come up with solutions.

The facts substantiating our request are as follows:

1) The North American Numbering Plan Administrator (NANPA) on September 22, 1999, declared extraordinary jeopardy in the 801 area code. This notice of extraordinary jeopardy was issued even though the UPSC believes the number blocks currently distributed in the 801 area code have been underutilized. This situation is a natural consequence of the present system of issuing telephone numbers in blocks of ten-thousand, but is nonetheless very inefficient and troubling, causing new area codes to be introduced at a faster rate than the growth in demand for telephone numbers.

2) The UPSC is now beginning to address number conservation. An audit of the area code holders is now underway by the investigative agency for the UPSC, the Division of Public

Utilities (DPU), and technical conferences are planned to address conservation methods that can be applied in Utah.

3) On September 23, 1999, Lockheed Martin's Bruce Armstrong, as NANPA's numbering relief planner, held a relief industry planning meeting in Salt Lake City. The Industry participants at this meeting voted and agreed to submit to the UPSC only one area code relief plan, the overlay. Per Bruce Armstrong, exhaust of the 801 area code is projected in the First Quarter, 2001. The Industry voted on and set a start date of April 8, 2000, for Permissive 10-Digit Dialing in the 801 area code; the start date of October 14, 2000, was set for Mandatory 10-Digit Dialing; and, November 18, 2000, was set for Overlay Activation.

4) The NANPA projected exhaust in the First Quarter, 2001, of the 801 area code, coupled with conflicting information and UPSC concern that exhaust may be exacerbated by the early-on telecommunications demands of the 2002 Winter Olympics, causes the UPSC to request permission to act now in its number conservation measures.

The UPSC has reviewed other measures which have been implemented around the country. The UPSC requests authority to institute its own number conservation measures as follows:

- Institute mandatory thousand-block number pooling.
- Implement sharing of NXX codes in rate centers.
- Revise rationing measures and institute NXX lotteries (prior to adoption of area code plans or establishment of an area code relief date) to prolong the life of the existing 801 area code. The authority to revise the rationing procedure will allow the UPSC more flexibility to extend the life of the existing 801 area code while

long-term numbering solutions are developed. The UPSC also requests the authority to institute a NXX lottery which would afford each applicant an equal opportunity.

- Reclaim unused and reserved central office codes. Code conservation measures are essential in Utah in order to extend the lives of the current area codes. The UPSC would like additional authority to investigate whether any of these reserved central office codes can be reclaimed for future distribution, without causing disruption to carriers' network operations.
- Maintain the current central office code rationing measures for at least six months after the implementation of all area code relief plans. Once area code relief plan is announced, the demand for the remaining NXXs is accelerated in the old area code. By using code rationing as a supply constraint, this controls the artificial increase in demand.
- Expand deployment of permanent number portability.
- Implement unassigned number porting. The UPSC requests additional authority to implement Unassigned Number Porting ("UNP"). The UPSC understands that UNP is already being used by certain carriers during rationing periods. The UPSC requests additional authority to implement UNP as an additional tool to conserve numbering resources.
- Implement rate center consolidation.

We also request that the FCC direct NANPA to do the following:

- Update the Central Office Code Utilization Survey (COCUS) report quarterly, instead of annually. Quarterly data would provide a much more current basis for planning area code relief, which is very important since the data can change dramatically in a short span of time.
- Establish code allocation standards to more efficiently manage numbering resources. This would include a requirement that NANPA consult with the UPSC prior to issuance of additional NXX codes.

In addition, we request the FCC expressly grant the UPSC authority to require wireless carriers to provide the necessary COCUS and other information needed to carry out our responsibilities. In order to investigate the feasibility of various pooling scenarios, the UPSC will need utilization data at the block level, for all code holders, wireline and wireless alike.

Accordingly, the UPSC hereby requests a Letter Order reflecting the following: The UPSC is hereby granted authority to fashion a Utah specific solution to its existing number crisis. Utah's efforts shall be consistent with FCC policy, by ensuring that number resources are made available in an equitable, efficient and timely basis to all carriers. Utah's efforts shall not unduly favor or disfavor any particular segment or group of telecommunications consumers, nor shall Utah's efforts unduly favor one telecommunications technology over another. The UPSC is delegated authority to gather necessary information from wireless carriers.

Letter Order Regarding Florida's Situation

Pursuant to Section 251 (e) (1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and the authority delegated in 52.19 of the FCC's rules, the

FCC granted temporary authority to the Florida Commission to continue to conduct its measures implementing area code relief. The UPSC notes that Utah's circumstances are comparable to those in Florida. The UPSC seeks a like letter order giving us an additional grant of authority.

UPSC Actions

In excess of this petition with the FCC, the UPSC is proceeding with an expedited hearing on requiring code holders to issue telephone numbers consecutively, beginning with the lowest available telephone number. This proceeding is in direct response to our concern that code holders do not typically issue telephone numbers in any particular order. If the code holders continue in this fashion, future number pooling efforts will be frustrated. In addition, we will be holding workshops on the full range of number conservation measures. The UPSC will also urge the Industry to voluntarily take conservation measures.

Request

Therefore, the UPSC files this petition to request authority, and any necessary waiver of the FCC's rules in order to ease the extenuating circumstances we are now facing. In addition, we ask that the FCC grant the UPSC additional authority to implement various area code conservation measures. The UPSC requests this additional authority as part of its ongoing area code relief. This is intended to be used to minimize consumer confusion and expenses associated with the quick imposition of new area codes.

The FCC clearly is given authority over numbering administration in Section 251 (e) (1). However, it also states, "Nothing in this paragraph shall preclude the Commission from delegating to state commissions or other entities all or any portion of such jurisdiction." (Emphasis Added). We, therefore, request that the FCC grant such authority to the UPSC.

Conclusion

We urge that the FCC act within 30 days to ease this situation. Accordingly, the UPSC hereby requests an Expedited Letter Order reflecting the following: The UPSC is hereby granted authority to fashion a Utah specific solution to its existing number crisis. Utah's efforts shall be consistent with previously approved policy, by ensuring that number resources are made available in an equitable, efficient and timely basis to all carriers. Utah's efforts shall not unduly favor or disfavor any particular segment or group of telecommunications consumers. Nor shall Utah's efforts unduly favor one telecommunications technology over another. Utah, for this purpose, is also delegated the authority to gather necessary information from wireless carriers.